

\*\* \$362 INFORMATION SHEET \*\*

Joseph and Diana Paradiso 09-20954-BAM  
 DEBTOR BK NO. MOTION NO.

US Bank, NA 13  
 MOVANT Chapter

PROPERTY INVOLVED IN THIS MOTION: 4870 Aveneda Grande  
Las Vegas, NV 89121

NOTICE SERVED ON:  
 DEBTOR(S) x; DEBTOR(S) ' COUNSEL x TRUSTEE X

DATE OF SERVICE:

MOVING PARTY'S CONNECTIONS:

\* DEBTOR'S CONNECTIONS:

THE EXTENT and PRIORITY of LIENS:

\* THE EXTENT and PRIORITY of LIENS:

1ST \_\_\_\_\_

\*1<sup>st</sup> US Bank  
 \* (\$190,194.46)

2nd \_\_\_\_\_

\*2<sup>ND</sup> US Bank  
 \* (\$25,820.00)

3RD \_\_\_\_\_

\* 3RD \_\_\_\_\_

4TH \_\_\_\_\_

\* 4TH \_\_\_\_\_

OTHER \_\_\_\_\_

\* OTHER \_\_\_\_\_

TOTAL ENCUMBRANCES: \_\_\_\_\_

TOTAL ENCUMBRANCES: \$216,014.46

APPRAISAL or OPINION as to VALUE:

\* APPRAISAL or OPINION as to VALUE:  
 \* \$90,000.00

TERMS of MOVANT'S CONTRACT  
 with the DEBTOR:

\* DEBTOR'S OFFER OF "ADEQUATE  
 \* PROTECTION" for MOVANT:

AMOUNT OF NOTE: \$200,000.00

INTEREST RATE: 6.125%

\* Cure over 6 months

DURATION: 30 years

\* SPECIAL CIRCUMSTANCES:

PAYMENT PER MONTH: \$1,392.72

DATE OF DEFAULT: June 1, 2009

\* SUBMITTED BY:

AMOUNT IN ARREARS: \$6,736.48  
 Date of Notice of Default: n/a

\* BONNIE BOYCE, ESQ.  
 \* Signature: /S/Bonnie Boyce  
 Nevada Bar # 000870

**LAW OFFICE OF FRANK SORRENTINO**

FRANK SORRENTINO, ESQ.

Nevada Bar No. 000421

BONNIE BOYCE, ESQ.

Nevada Bar No. 000870

1118 East Carson Avenue

Las Vegas, Nevada 89101

(702) 384-6824

Attorney for Debtors

**E-Filed On: 12/30/09**

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In Re

Case No.: BK-S-09-20954-BAM  
Chapter 13

**JOSEPH JOHN PARADISO and  
DIANA LUCILLE PARADISO**

Hearing Date: **January 12, 2010**  
Hearing Time: **1:30 p.m.**

Debtors

**OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY**

COME NOW, Debtors, JOSEPH JOHN PARADISO and DIANA LUCILLE PARADISO, by and through their attorney, BONNIE BOYCE, ESQ., of the LAW OFFICE OF FRANK SORRENTINO, and respectfully request this Court to deny the MOTION FOR RELIEF FROM AUTOMATIC STAY filed by US BANK, NA, by and through its attorney, GREGORY L. WILDE, ESQ., of WILDE & ASSOCIATES.

**POINTS AND AUTHORITIES**

11 USC Section 362(d)(1) states that the Court may terminate, modify or condition stay:

“for cause, including the lack of adequate protection of an interest in property of such party in interest;—“

11 USC Section 362(d)(2) the Court may terminate, modify or condition a stay:

“with respect to a stay of an act against property under subsection (a) of this section, if-

...

...

- 1 (A) the debtor does not have an equity in such property AND  
2 (B) such property is not necessary to an effective reorganization  
3

4 **STATEMENT OF FACT**

5 Debtors' property is located at 4870 Aveneda Grande, Las Vegas, NV 89121. The  
6 property was valued at approximately \$90,000.00 at the time of filing. Debtors' home is  
7 necessary for an effective reorganization.

8 11 USC Section 362(d)(1) may apply as:

- 9 1. Debtors acknowledge that they were late on the post-petition mortgage  
10 payments.  
11 2. Debtors' intentions are to stay current on future post-petition mortgage  
12 payments.  
13 3. Debtors may provide funds prior to the hearing.

14 **CONCLUSION**

15 THEREFORE, Debtors request that the Motion for Relief from Automatic Stay be  
16 denied under 11 USC Section (d) (1) or (2), and that any action on creditor's behalf be  
17 stayed for an adequate amount of time to allow Debtors to become current on the post-  
18 petition mortgage arrearages and/or to Stipulate to an Order Re Adequate Protection.

19 DATED: this 30<sup>th</sup> day of December, 2009.  
20

21 LAW OFFICE OF FRANK SORRENTINO

22 /s/ Bonnie Boyce

23 By: \_\_\_\_\_

24 BONNIE BOYCE, ESQ.  
25 Nevada Bar No. 000870  
26 1118 East Carson Avenue  
27 Las Vegas, Nevada 89101  
28 Attorney for Debtors

**CERTIFICATE OF MAILING**

I, the undersigned, an employee of the Law Office of Frank Sorrentino, hereby certify that on the 30<sup>th</sup> day of December, 2009, I deposited in the United States Mail, first class mail, postage pre-paid, a true and correct copy of the **Opposition to Motion For Relief From Automatic Stay** to all parties listed below:

Rick A. Yarnall  
Chapter 13 Trustee  
701 Bridger Ave., Ste. #820  
Las Vegas, Nevada 89101

Gregory L. Wilde, Esq.  
Wilde & Associates  
208 S. Jones Blvd.  
Las Vegas, Nevada 89107

Joseph John Paradiso and  
Diana Lucille Paradiso  
4870 Aveneda Grande  
Las Vegas, NV 89121

/s/ Angela P. Ballard  
By \_\_\_\_\_  
**An employee of the Law Office of  
Frank Sorrentino**